IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6300 of 1991

Between:

Vaidya Kodandarama Chary

..... PETITIONER

AND

1. Commissioner (Endowments), Tilak Road, Hyderabad.
2. Deputy Commissioner (Endowments), Tilak Road, Hyderabad
3. Asst. Commissioner/Rural (Endowments), Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction, more particularly a writ in the nature of Mandamus, directing the respondents not to cause dispossession of the petitioner from the land in Sy.No.314/36 admeasuring Ac.200.00 situated at Tirumalapalli village, Medak district in accordance with Section 77 of Act. 30 of 1987.

Counsel for the Petitioner:MR.K.VIJAYA RAO

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :ORDER:

This Writ Petition is filed seeking Writ of Mandamus, to direct the respondents not to

dispossess the petitioner from the land to an extent of Ac.200.00 acres in Sy.No. 314/36, situated in Tirumalapalli village, Medak District.

It is stated that ‘ Sri Thirumala Nadha Swamy temple’ located in Chelameda village, Ramayampet Mandal, Medak District, is registered as endowment under the provisions of the A.P. charitable and Hindu Religious Institutions and Endowments Act, 1987, and, the said temple owns Ac.49.13 guntas and Acs. 214.32 guntas of wet and dry conditional inam lands (Khidmat Inam) respectively. The petitioner claims to be the possessor of the land in question in the capacity of hereditary archaka of the said temple. It is the case of the petitioner that as he is the hereditary archaka of the said temple, by virtue of abolition of Inams, he is entitle to patta.

In the counter affidavit filed on behalf of the respondents, it is stated that the said lands are registered in the name of ‘Sri Thirumala Nadha Swamy temple’ and there is no hereditary trustee or hereditary archaka to the said temple. The Trust Boards, which managed the properties of the said temple, put the said lands to auction during the years 1981-82 to 1990-91. It is stated in the counter affidavit that the petitioner’s own brother, V. Purushothama chary came into possession during the said period in view of his participation in the auction conducted, but not in the capacity of archaka. In the counter affidavit, it is categorically stated that the petitioner and his brother never render any service to the temple in the capacity of archaka and the petitioner worked as ‘Karobar’(clerk) in the temple and was being paid salary.

The petitioner is claiming relief based on his right as hereditary archaka of the temple in question. In the counter affidavit filed on behalf of the respondents, it is categorically stated that the petitioner never worked as archaka of the temple. More over, it is further stated that the petitioner filed an application before the Deputy Commissioner, Endowments Department, seeking to declare him as hereditary trustee of Sri Thirumalanadha Swamy Temple, Chelmeda. The said application , which was numbered as O.A.No. 32 of 1983, ended in dismissal by order dated 20-8-1984. Inasmuch as the very claim of the petitioner as hereditary archaka is disputed and further, no other than his brother came into possession by virtue of his

participation in the auction for leasehold rights of the lands owned by the temple, in that view of the matter, the petitioner cannot claim as right to continue in the possession of the properties of the said temple. In that view of the matter, I do not find any valid ground for grant of relief as prayed for.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

January 17, 2004.

Msnr.

To

1.Commissioner (Endowments), Tilak Road, Hyderabad.

2.Deputy Commissioner (Endowments), Tilak Road, Hyderabad

3.Asst. Commissioner/Rural (Endowments), Hyderabad.

4. Two cc to Govt. Pleader for Endowments, High court of AP,. Hyderabad. (OUT)

5. Two CD copies.